

**IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD**

**FIRST APPEAL NO.1311 OF 2020 WITH
CIVIL APPLICATION NO.10228 OF 2019**

Executive Engineer, Osmanabad
Minor Irrigation Division & ors. ... **APPELLANT**
VERSUS
Navnath Krishna Jamale ... **RESPONDENTS**

.....
Mr. B.R. Surwase, Advocate for appellant No.1
Mr. S.S. Dande, A.G.P. for appellants No.2 and 3
Mr. A.B. Kale, Advocate for respondent
.....

WITH

**CIVIL APPLICATION NO.3591 OF 2021 IN
FIRST APPEAL NO.1311 OF 2020**

Navnath Krishna Jamale ... **APPLICANT**
VERSUS
The State of Maharashtra & ors. ... **RESPONDENTS**

.....
Mr. A.B. Kale, Advocate for applicant
Mr. S.S. Dande, A.G.P. for respondents No.1 and 2
Mr. B.R. Surwase, Advocate for respondent No.3.
.....

WITH

**FIRST APPEAL NO.1314 OF 2020 WITH
CIVIL APPLICATION NO.10234 OF 2019**

Executive Engineer, Osmanabad
Minor Irrigation Division & ors. ... **APPELLANT**
VERSUS
Tajoddin Ismail Tamboli & anr. ... **RESPONDENTS**

.....
Mr. B.R. Surwase, Advocate for appellant No.1

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Mr. S.S. Dande, A.G.P. for appellants No.2 and 3
Mr. A.B. Kale, Advocate for respondents

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WITH

**CIVIL APPLICATION NO.3589 OF 2021 IN
FIRST APPEAL NO.1314 OF 2020**

Tajoddin Ismail Tamboli & anr. ...**APPLICANTS**

VERSUS

The State of Maharashtra & ors. ... **RESPONDENTS**

.....

Mr. A.B. Kale, Advocate for applicants
Mr. S.S. Dande, A.G.P. for appellants No.1 and 2
Mr. B.R. Surwase, Advocate for respondent No.3.

.....

WITH

**FIRST APPEAL NO.1315 OF 2020 WITH
CIVIL APPLICATION NO.10232 OF 2019**

Executive Engineer, Osmanabad
Minor Irrigation Division & ors. ... **APPELLANT**

VERSUS

Smt. Bhamabai Ravan Dhumal & ors. ... **RESPONDENTS**

.....

Mr. B.R. Surwase, Advocate for appellant No.1
Mr. S.S. Dande, A.G.P. for appellants No.2 and 3
Mr. A.B. Kale, Advocate for respondents

.....

WITH

**CIVIL APPLICATION NO.3590 OF 2021 IN
FIRST APPEAL NO.1315 OF 2020**

Smt. Bhamabai Ravan Dhumal & ors. ...**APPLICANTS**

VERSUS

The State of Maharashtra & ors. ... **RESPONDENTS**

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Mr. A.B. Kale, Advocate for applicants
Mr. S.S. Dande, A.G.P. for appellants No.1 and 2
Mr. B.R. Surwase, Advocate for respondent No.3.

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WITH

**FIRST APPEAL NO.1316 OF 2020 WITH
CIVIL APPLICATION NO.10230 OF 2019**

Executive Engineer, Osmanabad
Minor Irrigation Division & ors. ... **APPELLANT**

VERSUS

Namdeo s/o Vithoba Manake & anr. ... **RESPONDENTS**

.....

Mr. B.R. Surwase, Advocate for appellant No.1
Mr. S.S. Dande, A.G.P. for appellants No.2 and 3
Mr. A.B. Kale, Advocate for respondents

.....

WITH

**CIVIL APPLICATION NO.3592 OF 2021 IN
FIRST APPEAL NO.1316 OF 2020**

Namdeo s/o Vithoba Manake & anr. ...**APPLICANTS**

VERSUS

The State of Maharashtra & ors. ... **RESPONDENTS**

.....

Mr. A.B. Kale, Advocate for applicants
Mr. S.S. Dande, A.G.P. for appellants No.1 and 2
Mr. B.R. Surwase, Advocate for respondent No.3.

.....

WITH

**FIRST APPEAL NO.1312 OF 2020 WITH
CIVIL APPLICATION NO.10238 OF 2019**

Executive Engineer, Osmanabad
Minor Irrigation Division & ors. ... **APPELLANT**

VERSUS

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Manohar s/o Bapurao Hogale ... RESPONDENT

.....

Mr. B.R. Surwase, Advocate for appellant No.1
Mr. S.S. Dande, A.G.P. for appellants No.2 and 3
Mr. A.B. Kale, Advocate for respondent

.....

WITH

**CIVIL APPLICATION NO.8043 OF 2020 IN
FIRST APPEAL NO.1312 OF 2020**

Manohar s/o Bapurao Hogale ...APPLICANT

VERSUS

The State of Maharashtra & ors. ... RESPONDENTS

.....

Mr. A.B. Kale, Advocate for applicant
Mr. S.S. Dande, A.G.P. for appellants No.1 and 2
Mr. B.R. Surwase, Advocate for respondent No.3.

.....

WITH

**FIRST APPEAL NO.1313 OF 2020 WITH
CIVIL APPLICATION NO.10236 OF 2019**

Executive Engineer, Osmanabad
Minor Irrigation Division & ors. ... APPELLANT

VERSUS

Ambrushi s/o Vithoba Manke & anr. ... RESPONDENTS

.....

Mr. B.R. Surwase, Advocate for appellant No.1
Mr. S.S. Dande, A.G.P. for appellants No.2 and 3
Mr. A.B. Kale, Advocate for respondents

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CORAM : R. G. AVACHAT, J.

DATE : 5th AUGUST, 2021

PER COURT :

Heard learned counsel for the parties. The dispute pertains only to the date from which the interest is to be awarded. The Reference Court has granted it @ 9% p.a. from the date 1/11/2004 i.e. on which the Notification under Section 4 of the Land Acquisition Act was published. The learned counsel are at one to submit that, in view of the judgment in the case of **State Vs. Kailash Shiva Rangari [2016 (3) Mh.L.J. 457]**, the interest ought to have been awarded from the date of award. In the present case, the date of award is 31/3/2006. To that extent, the impugned award passed by the Reference Court needs to be modified. Hence the order :

ORDER

(i) Clause 5 of the impugned award dated 22/11/2013 is modified as under :

Compensation received from LAO in respect of acquired lands, be deducted from the amount of enhanced compensation and balance amount be paid to the claimants along with interest @ 9% p.a. for the period from 31/3/2006 to 30/3/2007 and 15%

interest for the period from 31/3/2007 to the date of payment made by the Special Land Acquisition Officer.

The amount in deposit with this Court/ Reference Court be paid to the claimants in terms of the modified award and the balance amount be paid back to the acquiring body.

To this extent, the award stands modified. Rest of the terms of the award to stand unaltered.

(ii) First Appeals are disposed of accordingly.

(iii) The Civil Applications stand disposed of in terms of the above order.

**(R. G. AVACHAT)
JUDGE**

fmp/-